

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

OK to
enter
9/17/03

1. Cancelled
2. (previously presented) The isolated nucleic acid sequence of claim 4, which originates from grapevine (*Vitis vinifera*).

3. Cancelled
4. (Amended herein) An isolated nucleic acid having a sequence identity of at least 40% to a nucleic acid having sequence:

ACTTTTCGAG CCCCTTGAAAC TGGAAATTAA TACATTTTCC ACTTGACTT
TGAAAAGGAG GCAATCCCAC GGGAGGGGAAG CTGCTACCAA CCTTCGTAAT
GTAAATGAAA TCAAACTCAC TCAATGTCGG AATTTCAAAAC CTGANCAAC
CAATAGCCAA T (<u>consisting of the sequence SEQ ID NO: 1</u>),
and which conveys an ozone-inducible gene expression, or
which is a derivative, or
an allelic variant of the isolated nucleic acid sequence:

ACTTTTCGAG CCCCTTGAAAC TGGAAATTAA TACATTTTCC ACTTGACTT
TGAAAAGGAG GCAATCCCAC GGGAGGGGAAG CTGCTACCAA CCTTCGTAAT
GTAAATGAAA TCAAACTCAC TCAATGTCGG AATTTCAAAAC CTGANCAAC
CAATAGCCAA T (SEQ ID NO: 1),
which differs from said sequence by naturally occurring or artificially introduced variations and
which conveys ozone-inducible gene expression.

5-44 Cancelled